

Amendment No. 1 to SB2656

**Watson
Signature of Sponsor**

AMEND Senate Bill No. 2656

House Bill No. 1782*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-201-119, is amended by designating the current language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) Notwithstanding subsection (a) or any other law to the contrary, no inspection and maintenance program shall be employed in this state on or after the effective date of this act, except in accordance with Section 2.

(2) If at any time under the federal Clean Air Act, compiled in 42 U.S.C. § 7401 et seq., an inspection and maintenance program is mandated instead of available as a voluntary state implementation plan measure in any county of this state, then subdivision (b)(1) shall not apply in that county.

SECTION 2. An inspection and maintenance program may be employed in a county that, on the effective date of this act, has a local air pollution control program and implements its own inspection and maintenance program, if the county authorizes the continuation of its own inspection and maintenance program by action of its governing body; provided, that in order to authorize the continuation of the inspection and maintenance program, the governing body must authorize the continuation within thirty (30) days of the effective date of this act, and the presiding officer of the county governing body must furnish a certified copy of the approved resolution to the technical secretary of the air pollution control board within sixty (60) days of the effective date of this act.

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SECTION 3. The Tennessee air pollution control board is authorized to promulgate rules to effectuate the purposes of this act. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. Any new contract between the department or a local government and a contractor providing inspection services, any new contract between a local government and the department relative to the inspection and maintenance program, and any renewals of such contracts occurring after the effective date of this act, shall include a provision stating that the contract must conform to any changes in state law. Any existing contracts as described in this section shall be amended to include a provision stating that the contract must conform to any changes in state law.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 6.

(a) Section 1 shall take effect one hundred twenty (120) calendar days following the date on which the United States environmental protection agency (EPA) approves a revised state implementation plan consistent with this act, the public welfare requiring it; provided, however, that if on such date, a contract exists between the department and a contractor providing inspection services, then Section 1 shall take effect upon the date of

the contract's termination or expiration, the public welfare requiring it. For all other purposes, this act shall take effect upon becoming a law, the public welfare requiring it.

(b)

(1) The commissioner of environment and conservation shall certify in writing to the executive secretary of the Tennessee code commission the date of the approval by the EPA described in Section 6(a) and provide the executive secretary of the commission with a copy of such approval.

(2) If a contract exists on the date one hundred twenty (120) calendar days following the date of approval of the revised state implementation plan, then the commissioner shall also certify in writing the date of the department's contract termination or expiration, and provide the executive secretary of the commission with a copy of the signed document.